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REMARKS

Claims 12-20 are currently pending in the above application. Claims 1-11 are hereby formally withdrawn.

Claims 18 and 20 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Applicants respectfully traverse the Examiner's rejection. However, in an effort to move this case towards allowance, Applicants have cancelled claims 18 and 20 without prejudice.

Claims 12, 14, 15 and 18 stand rejected under 35 U.S.C. 102(b) as being anticipated by Hudkins et al. (U.S. Patent No. 6,296,733). Claims 13, 16, 17, 19 and 20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hudkins et al. Applicants respectfully traverse the Examiner's rejection.

Hudkins et al. discloses a floor mat, and method for making the floor mat, for covering a motor vehicle flooring system having a plurality of fibers. The floor mat includes a thermoplastic layer having first and second surfaces and a plurality of projections extending from the second surface. The thermoplastic layer is said to be recyclable and may be coupled to, or used without, a cover layer, depending upon the application. Each of the projections includes an elongated body portion and an enlarged tip for engaging the fibers. No information is given as to the composition of the thermoplastic backing material, although, as shown in Column 8, beginning at line 57, the thermoplastic material must be capable of being extracted from a mold without significant deleterious effect on the projections. A rubber-like material would likely have different mechanical properties that would affect extraction from a compression mold or injection mold.

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The present invention, on the other hand, requires a thermoplastic layer that is "rubber-like" in feel and weight, being coupled to a primary backing layer, which the Hudkins et al. reference does not disclose. Further, the thermoplastic layer is not formed with a plurality of projections as in the Hudkins et al. reference. Also, as described in general in claim 12 and more specifically in claims 14 and 15, the composition of the present invention, in order to be rubber-like, is based on an ethylene-octene copolymer formed using a metallocene catalyst, which Hudkins et al. does not disclose. Further, as described in paragraph [0023] and claim 16, the method for forming the layer preferably requires first forming pellets of thermoplastic material, which the Hudkins et al. reference does not disclose. This method includes first introducing the ethylene-octene copolymer (having one or more melt indexes) to the feeder prior to introducing the other ingredients listed in Table 1 in order to form the pellets. Also, the thermoplastic material in pellet material of the present application is subsequently heated and pressed to adhere to the primary backing layer to form the rubber mat, while the Hudkins et al. thermoplastic material may be used without a cover layer.

In order to more fully emphasize these differences, Applicants have herein modified claims 12-17 and 19 to further emphasize the distinctions. Each of these modifications is fully supported by the originally filed specification.

Thus, Applicants have modified claim 12 to read "rubber-like" thermoplastic material, which is not disclosed in Hudkins et al. Further, Applicants have modified claim 13 and 16 to introduce the rubber-like thermoplastic polymer material to the mixing device prior to the introduction of the other raw materials. Applicants have amended claims 14 and 16 to properly depend from claim 13, and have corrected claims 14 and 15 to read "rubber-like" thermoplastic material similar to claim 12. As such, Applicants respectfully submit that claims 12-17 and 19 are not anticipated, nor obviated by, the Hudkins et al. reference. Reconsideration of claims 12-17 and 19 is respectfully requested.

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The Examiner is invited to telephone the Applicants' undersigned attorney at
(248) 223-9500 if any unresolved matters remain.

Respectfully submitted,

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